

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ELMER CAMPBELL, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION NO. C-1-01-527
)	
v.)	JUDGE: BECKWITH
)	MAGISTRATE JUDGE: HOGAN
INTERNATIONAL PAPER,)	
SUN CAPITAL PARTNERS, INC.,)	
SMART PAPERS,)	
)	
Defendants.)	
_____)	

MOTION FOR SUMMARY JUDGMENT
BY DEFENDANT SUN CAPITAL PARTNERS, INC.

Defendant, Sun Capital Partners (“Sun Capital Partners”), pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 7.2, hereby moves this Court for summary judgment in its favor on Plaintiffs’ Fifth Amended Complaint in its entirety. As shown in greater detail in Smart Papers’ accompanying Memorandum of Law, there are no genuine issues of material fact in dispute to warrant a trial by jury and summary judgment should be granted to Smart Papers as a matter of law.

Respectfully Submitted,

/s Robert J. Hollingsworth / by Stanley F. Lechner
per telephone permission
Robert J. Hollingsworth (0024559)
CORS & BASSETT, LLC
537 East Pete Rose Way
Suite 400
Cincinnati, Ohio 45202
Telephone: 513.852.8200
Facsimile: 513.852.8222

Stanley F. Lechner
Margery Sinder Friedman
Laine S. Posel
Of Counsel
MORGAN, LEWIS & BOCKIUS, LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
Telephone: 202.739.3000
Facsimile: 202.739.3001

Counsel for Defendant Smart Papers, LLC

Dated: September 30, 2003